

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Writ Petition No.7935 of 2006

Federal Management Services.	Petitioners.
Vs	
The State of Maharashtra and ors.	..Respondents

Mr. V.P.Sawant for the petitioners.
Mr.V.P.Malvankar AGP for respondent No.1
Ms Lata Desai with Ms Pallavi Devibai for respondent No.2

**CORAM: H.S. BEDI, C.J. , &
V.M.KANADE, J.**

DATE: 11th December, 2006.

P.C.:-

The petitioner is a partnership firm engaged in the business of providing security guards to various industrial and business establishments in Pune. The petitioner is also registered under the provisions of the Maharashtra Private Security Guards (Regularisation of Employment and Welfare) Act, 1981. It is the case of the petitioner that the security guards deployed by the petitioner to the specific establishments were exempted under the notification dated 4.8.2004 issued by the State Government and the petitioner was conducting its business in that capacity. The petitioner however received a notice dated 6.6.2005 stating that as it was not complying with

the terms and conditions of the notification cause be shown as to why the registration should not be revoked. The petitioner submitted its reply but the State Government nevertheless vide Exhibit I dated 4th October, 2006 cancelled the exemption granted to the petitioner. By this petition the petitioner is seeking to challenge the notification aforementioned.

2 On the last date of hearing we had requested the learned Asst. Government Pleader to find out as to whether the impugned order could be withdrawn as it had been specifically pleaded that no hearing had been given to the petitioner before the making of the order which was, in addition, clearly non-speaking. Mr. Malvankar, the learned Asst. Government Pleader for the State has informed us that he has no instructions in the matter.

3. The text of the impugned order reads thus:

“No SGA-1503/(4/1-F-5)I, ab-5: Due to non compliance of the conditions mentioned in Schedule II in the Notification of even number dated 4.8.2004, the exemption granted to the Private Security Guards of M/s Federal Management & Services Pune u/s 23

of the Maharashtra Private Security Guards
(Regulation of Employment and Welfare) Act, 1981 is
hereby cancelled”.

4. It will be seen that no reasons have been given or spelt out for revoking the exemption which had been given to the petitioner in August 2004. Concededly a right had accrued which was being exercised by the petitioner for all these years and if the respondents felt that some of the conditions had not been complied with, reasons for revoking the exemption ought to have been provided. No reason whatsoever is discernable. We accordingly quash and set aside Exhibit I dated 4th October, 2006 with liberty to the respondents to pass a fresh order in accordance with law.

Petition is allowed in the above terms.

CHIEF JUSTICE.

V.M.KANADE, J.